



A35897-PCT-USA-A (072667.0188)
PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Thomas et al.

Serial No. : 10/643,676

Examiner : Not Yet Assigned

Filed : August 19, 2003

Group Art Unit : Not Yet Assigned

For : CONSTITUTIVE PROMOTER FROM ARABIDOPSIS

Customer No.: 21003

INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

December 30, 2003
Date of Deposit

Rochelle K. Seide, Ph.D.
Attorney Name

Rochelle K. Seide
Signature

32,300
Patent Reg. No.

December 30, 2003
Date of Signature

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

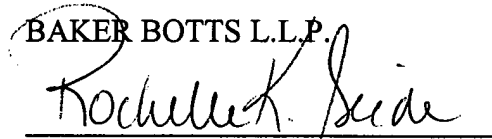
Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO 1449 and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application. Copies of all of the documents listed on the Form PTO-1449 are enclosed herewith, as is a copy of the search report from International Patent Application PCT/EP02/02894, from which the above-identified application claims priority as a continuation application.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed before the mailing date of the first Office Action on the merits of referenced application. Therefore, applicants do not believe that any fee is due in connection with the submission of this paper. In the event that any additional fee is required, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-4377. Two copies of this paper are enclosed.

Respectfully submitted,

By: 
BAKER BOTTS L.L.P.
Rochelle K. Seide, Ph.D.
Patent Office Reg. No. 32,300
Attorney for Applicants

30 Rockefeller Plaza
44th Floor
New York, NY 10012-4498
212-408-2626

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.
A35897-PCT-USA-A
(072667.0188)

Serial No.
10/643,676

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**

(Use several sheets if necessary)

Applicants
Thomas et al.

Filing Date
August 19, 2003

Group Art Unit
Not Yet Assigned

U.S. PATENT DOCUMENTS

*Ex am. Init.	Document No.								Date	Name	Class	Subclass	Filing Date if Appropriate
	1.	6	0	3	7	5	2	2	03/14/00	Dong et al.	800	278	
	4.	5	6	8	3	6	9	1	11/04/97	Peferoen et al.	424	93.461	
	5.	5	6	3	5	6	1	8	06/03/97	Capellades et al.	536	24.1	
	6.	5	6	3	3	4	4	8	05/27/97	Lebrun et al.	800	205	
	7.	5	6	3	3	4	3	5	05/27/97	Barry et al.	800	205	
	8.	5	6	2	7	0	6	1	05/06/97	Barry et al.	438	172.3	
	11.	5	5	5	9	0	2	4	09/24/96	Leroux et al.	435	252.3	
	12.	5	5	5	4	7	9	8	09/10/96	Lundquist et al.	800	205	
	13.	5	5	4	5	5	6	5	08/13/96	De Greve et al.	435	320.1	
	14.	5	5	3	0	1	9	7	06/25/96	Peferoen et al.	800	205	
	16.	5	4	6	0	9	6	3	10/24/95	Botterman et al.	435	240.4	
	18.	5	3	1	7	0	9	6	05/31/94	De Greve et al.	536	23.71	
	19.	5	3	1	2	9	1	0	05/17/94	Kishore et al.	536	23.2	
	20.	5	3	1	0	6	6	7	05/10/94	Eichholtz et al.	435	172.3	
	22.	5	1	8	8	6	4	2	02/23/93	Shah et al.	47	58	
	24.	5	1	4	5	7	8	3	09/08/92	Kishore et al.	435	320.1	
	25.	5	0	9	4	9	4	5	03/10/92	Comai	435	172.3	
	28.	4	9	7	1	9	0	8	11/20/90	Kishore et al.	435	172.1	
	29.	4	9	4	0	8	3	5	07/10/90	Shah et al.	800	205	
	35.	4	8	1	0	6	4	8	03/07/89	Stalker	435	191	
	36.	4	7	6	9	0	6	1	09/06/88	Comai	71	86	

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NY02:466852.1

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.
A35897-PCT-USA-A
(072667.0188)

Serial No.
10/643,676

INFORMATION DISCLOSURE STATEMENT
BY APPLICANT

(Indicate the number of sheets if necessary)

Applicants
Thomas et al.

Filing Date
August 19, 2003

Group Art Unit
Not Yet Assigned



		Vancanneyt G, Schmidt R, O'Connor-Sanchez A, Willmitzer L, Rocha-Sosa M. 1990. Construction of an intron-containing gene: Splicing of the intron in transgenic plants and its use in monitoring early events in <i>Agrobacterium</i> -mediated plant transformation. <i>Mol. Gen. Genet.</i> 220: 245-250.
31.		McElroy D, Zhang W, Cao J, Wu R. 1990. Isolation of an efficient actin promoter for use in rice transformation. <i>The Plant Cell</i> 2:163-171.
32.		Battraw MJ, Hall TC. 1990. Histochemical analysis of CaMV 35S promoter- β -glucuronidase gene expression in transgenic rice plants. <i>Plant Molecular Biology</i> 15:527-538.
33.		Carrington JC, Freed DD. 1990. Cap-independent enhancement of translation by a plant potyvirus 5' nontranslated region. <i>J. Virology</i> 64:1590-1597.
34.		Ohta S, Mita S, Hattori T, Nakamura K. 1990. Construction and expression in tobacco of a β -glucuronidase (GUS) reporter gene containing an intron within the coding sequence. <i>Plant Cell Physiol.</i> 31:805-813.
37.		Weising K, Schell J, Kahl G. 1988. Foreign genes in plants: transfer, structure, expression, and applications. <i>Annu. Rev. Genet.</i> 22:421-477.
40.		Klein TM, Wolf ED, Wu R, Sanford JC. 1987. High-velocity microprojectiles for delivering nucleic acids into living cells. <i>Nature</i> 327:70-73.
41.		Callis J, Fromm M, Walbot V. 1987. Introns increase gene expression in cultured maize cells. <i>Genes & Development</i> 1:1183-1200.
42.		Jefferson RA, Kavanagh TA, Bevan MW. 1987. GUS fusions: β -glucuronidase as a sensitive and versatile gene fusion marker in higher plants. <i>EMBO J.</i> 6: 3901-3907.
44.		Bevan M. 1984. Binary <i>Agrobacterium</i> vectors for plant transformation. <i>Nucleic Acids Research</i> 12:8711-8721.
45.		Beltz GA, Jacobs KA, Eickbush TH, Cherbas PT, Kafatos FC. 1983. Isolation of multigene families and determination of homologies by filter hybridization methods. <i>Methods Enzymol.</i> 100:266-285.
46.		Murphy G, Ridley P, Hudson S, Newes HW, Lemcke K. 2000. Dtabase EMBL Online! Database accession no. AL161552: XP002225702

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NY02:466852.1

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.
A35897-PCT-USA-A
(072667.0188)

Serial No.
10/643,676

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT**
(Use several sheets if necessary)

Applicants
Thomas et al.

Filing Date
August 19, 2003

Group Art Unit
Not Yet Assigned

5 3 5 0 6 0 08/13/85 Comai 435 172.3

FOREIGN PATENT DOCUMENT

		Document No.							Date	Country	Class	SubClass	Translator	
													Yes	No
	2.	9	8	0	2	5	6	2	01/22/98	WO				
	9.	9	7	0	4	1	0	3	02/06/97	WO				
	10.	9	6	3	8	5	6	7	12/05/96	WO				
	17.	0	6	3	3	3	1	7	06/23/94	EP				
	38.	8	7	0	7	6	4	4	12/17/87	WO				
	39.	0	2	4	2	2	3	6	10/21/87	EP				
	47.	9	8	4	4	7	8	1	10/15/98	WO				
	48.	9	6	3	2	4	8	8	10/17/96	WO				

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

3.		Li Z, Thomas TL. 1998. PEI 1, an Embryo-Specific Zinc Finger Protein Gene Required for Heart-Stage Embryo Formation in Arabidopsis. <i>The Plant Cell</i> 10:383-398.
15.		Snowden KS, Buchholz WG, Hall TC. 1996. Intron position affects expression from the <i>tpi</i> promoter in rice. <i>Plant Molecular Biology</i> 31: 689-692.
21.		Thompson JD, Higgins DG, Gibson TJ. 1994. CLUSTAL W: improving the sensitivity of progressive multiple sequence alignment through sequence weighting, position-specific gap penalties and weight matrix choice. <i>Nucleic Acid Research</i> 22: 4673-4680.
23.		Bechtold N, Ellis J, Pelletier G. 1993. In planta Agrobacterium mediated gene transfer by infiltration of adult Arabidopsis thaliana plants. <i>Life Sciences</i> 316:1194-1199.
26.		Morris BAM, Richardson KA, Haley A, Zhan X, Thomas JE. 1992. The nucleotide sequence of the infectious cloned DNA component of tobacco yellow dwarf virus reveals features of geminiviruses infecting monocotyledonous plants. <i>Virology</i> 187: 633-642.
27.		Maas C, Laufs J, Grant S, Korfhage C, Werr W. 1991. The combination of a novel stimulatory element in the first exon of the maize Shrunk-1 gene with the following intron 1 enhances reporter gene expression up to 1000-fold. <i>Plant Molecular Biology</i> 16:199-207.

Examiner

Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

NY02:466852.1